IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Review Petition No.127/07
In
S.B. Civil Writ Petition No.396/05

Date of order : 19/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Harshvardhan Nandwana, Dy. GA for the petitioner.
Shri Prakash Thakuriya for the respondent.

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Issue notice. Shri Prakash Thakuriya accepted notice on behalf of the respondents. Service is complete.

This review petition has been filed by the petitioner with the prayer that the writ petition which was basically filed by the petitioner challenging the order dated 14.1.2005 came to be allowed on the basis of judgment of Full Bench of this Court in Smt. Sameera Bano Vs. State of Raj. & Ors., D.B. Special Appeal (W) No.236/06. The writ petition was filed against the order dated 14.1.2005 whereby nomination

of the petitioner was rejected by the Returning Officer whereas the Full Bench in Sameera Bano, supra had held that the Government by administrative action u/s. 19(l) read with Section 39 of the Rajasthan Pachayati Raj Act, 1994 cannot remove the elected representative of the panchayati raj institution. The nomination of the petitioner having been rejected, he in fact was not elected and therefore there was no question of his being allowed to continue to hold the office of Ward Member of Ward No.21 of Zila Parishad.

In view of the aforesaid fact, I find that the order as passed in the writ petition on 30.4.2007, suffer from the error apparent on the face of the record which appears to have been occasioned on account of the fact that this petition was clubbed and listed with several other petitions in a bunch classified by office

as involving similar question of law and due to inadvertence was decided accordingly.

The review petition is therefore allowed and the judgment dated 30.4.2007 is recalled and the writ petition is ordered to be restored to its original number.

(MOHAMMAD RAFIQ), J.

RS/